

Sixth Appellate District

San Jose, California

MONDAY, NOVEMBER 26, 2007

The following case is submitted this date:

H031136 PEOPLE v. WELKER

H031487 PEOPLE v. VALLEJO

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Mihara, Acting P.J., McAdams, J.)
Filed November 26, 2007

TUESDAY, NOVEMBER 27, 2007

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Bamattre-Manoukian, J.; Duffy, J.; and W. Magsaysay, Deputy Clerk.

H030371 MARRIAGE OF GALLOWAY

Cause called and argued by Bruce Janke appearing for Appellant and by Bernard Wolf appearing for Respondent. Cause ordered submitted.

Rushing, P.J. and Duffy, J. then leave the bench; Mihara, J. and McAdams, J. join Bamattre-Manoukian, Acting P.J. on the bench.

H031307 IN RE TINA P., ET AL., MINORS

Cause called and argued by Robert Powell appearing for Appellants Theresa P. and Brett P., and by Catherine Czar appearing for respondent minor Tina P. Annette Cutino, Deputy County Counsel, counsel for Respondent Monterey County Department of Social and Employment Services is not present. Counsel for appellants may file a response brief to minors' brief by noon on December 10, 2007. Counsel for minors' request to file a supplemental reply brief to appellants' response brief is denied. Cause to be submitted upon filing of appellants' response brief.

H030604 MENDOZA v. SAN JOSE UNIFIED SCHOOL DISTRICT, et al.

Cause called and argued by John Skeath appearing for Appellant and by Jon Heaberlin appearing for Respondents. Cause ordered submitted.

H030248 SANTA CLARA VALLEY TRANSPORTATION AUTHORITY v. MISSION WEST SHORELINE LLC

Cause called and argued by Dale Mahon appearing for Appellant and by Kevin Allmand appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, November 27, 2007 (continued)

H031225 MARRIAGE OF ZORIC

Cause called and argued by Nebojsa Zoric, appellant appearing in pro per and by David Seiff appearing for Respondent. Cause ordered submitted.

H031160 IN RE DANIEL RAMOS ON HABEAS CORPUS

Cause called and argued by Amanda Murray, Deputy Attorney General, appearing for Appellant and by Michael Kresser appearing for Respondent. Cause ordered submitted. Court recesses until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Bamattre-Manoukian, Acting P.J.; McAdams, J.; Duffy, J.; and Jane Valdez Flor, Deputy Clerk.

H030803 PEOPLE v. HOBBS

Cause called and argued by Jeremy D. Blank appearing for Appellant and by Donna Marie Provenzano, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

McAdams, J. leaves the bench and Mihara, J. takes the bench.

H030896 PHITECH CORPORATION v. HUANG

Cause called and argued by Howard Underwood appearing for Appellant and by Andrew Leibnitz appearing for Respondent. Cause ordered submitted.

Bamattre-Manoukian, J. leaves the bench and McAdams, J. takes the bench.

H030779 PEOPLE v. VILLACANA

Cause called and argued by James W. Duffy appearing for Appellant and by Moe Jamil, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030421 PEOPLE v. ETIENNE

Cause called and argued by William Robinson appearing for Appellant and by Ronald E. Niver, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H030933 KELLY & ASSOCIATES, et al. v. KOULABOUTH

Cause called and argued by Gary L. Olimpia appearing for Appellants and by Kirk L. Collins appearing for Respondent. Cause ordered submitted. Court is adjourned.

Sixth Appellate District

San Jose, California

Tuesday, November 27, 2007 (continued)

H030768 PEOPLE v. SOWELL

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed November 27, 2007

H027847 PEOPLE v. TARANGO

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed November 27, 2007

H029971 PEOPLE v. JENSEN

The judgment is reversed, and the matter is remanded to the trial court for resentencing. The trial court is directed to strike the three attempted lewd conduct counts, to reduce the restitution fund fine to no more than \$500 and to resentence defendant to a prison sentence that does not exceed the prison sentence imposed after defendant's original trial. (not published)
(Mihara, Acting P.J.; We concur: McAdams, J., Duffy, J.)
Filed November 27, 2007

WEDNESDAY, NOVEMBER 28, 2007

H029297 PEOPLE v. WOOD

By the Court*:

Respondent's petition for rehearing is denied.
Filed: November 28, 2007
*Before Rushing, P.J. and Premo, J.

THURSDAY, NOVEMBER 29, 2007

H031800 PEOPLE v. WANG

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Mihara, Acting P.J., Duffy, J.)
Filed November 29, 2007

H030405 PEOPLE v. PHILLIPS

The judgment is modified to reduce the restitution fund fine and the equivalent parole revocation fine from \$1,980 to \$1,200. The trial court shall (1) correct its minutes accordingly, (2) prepare an amended abstract of judgment reflecting this modification, and (3) forward a certified copy of the amended abstract to the Department of Corrections. As modified, the judgment is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)
Filed November 29, 2007

Thursday, November 29, 2007 (continued)

H031174 PEOPLE v. LEAL

Sixth Appellate District

San Jose, California

By the Court:

On the court's own motion, the submission order in the above-entitled matter dated October 19, 2007, is hereby vacated. The matter is ordered placed on the court's oral argument calendar on Monday, December 10, 2007, at 1:30 p.m. The cause will be resubmitted upon the completion of oral argument.

Dated: November 29, 2007 Bamattre-Manoukian, Acting P.J.

H031780 PEOPLE v. MEDELLIN

The trial court is directed to prepare an amended abstract of judgment to reduce the penalty assessments for the AIDS education fees, the laboratory analysis fees, and drug program fees by \$28, \$30, and \$60, respectively. The trial court is further directed to forward a certified copy of the amended abstract of judgment to the Department of Corrections. As modified, the judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed November 29, 2007

H031225 ZORIC v. ZORIC

The appeal is dismissed (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed November 29, 2007

FRIDAY, NOVEMBER 30, 2007

H031335 PEOPLE v. GRANDA

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed November 30, 2007

H030039 WHELAN, et al. v. ANDERSON CHEVROLET LOS GATOS, INC.

The judgment is affirmed. The order awarding attorney's fees is affirmed. The Whelans are entitled to costs on appeal. (not published)
(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed November 30, 2007

The following case is submitted this date:

H031212 PEOPLE v. PEREZ